

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES THOMAS,

Plaintiff,

v.

JOHN ASHCROFT, et al.,

Defendants.

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CIVIL NO. 3:CV-05-0090

(Judge Caputo)

ORDER

Charles Thomas, formerly¹ an inmate at the Allenwood Low Security Correctional Institution in White Deer, Pennsylvania, commenced this *pro se* action with a *Bivens*² civil rights complaint (Doc. 1). Plaintiff complains about erroneous entries in his prison records, incorrectly identifying him as a sex offender. By Order of this Court dated August 10, 2005 (Doc. 48), Plaintiff was directed to respond to Defendants' motion to dismiss and for summary judgment (Doc. 38). Prior to the issuance of the Order, Plaintiff filed a document which the Court construed as a motion for appointment of counsel (Doc. 46); in the text of the motion was a notification from Plaintiff that he had relocated, and he requested the Court to send all further documents to a new address. Nevertheless, the Court's prior

¹Plaintiff has notified the Court that his current address is Luzerne Correction Center, 600 E. Luzerne Street, Philadelphia, Pennsylvania. (Doc. 46 at 2.)

²*Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). *Bivens* stands for the proposition that "a citizen suffering a compensable injury to a constitutionally protected interest could invoke the general federal question jurisdiction of the district court to obtain an award of monetary damages against the responsible federal official." *Butz v. Economou*, 438 U.S. 478, 504 (1978).

Order was not sent to Plaintiff's new address. Thus, Plaintiff shall have an enlargement of time, *sua sponte*, to respond to the Court's prior Order (Doc. 48).

**ACCORDINGLY, THIS 7th DAY OF SEPTEMBER, 2005, IT IS HEREBY
ORDERED THAT:**

The Clerk of Court shall send a copy of this Order together with a copy of the Court's prior Order (Doc. 48) to Plaintiff at 207 East Wellens Avenue, Philadelphia, Pennsylvania 19120. Within twenty (20) days of the date of this Order, Plaintiff shall comply with the requirements of the Court's prior Order dated August 10, 2005 (Doc. 48). If Plaintiff fails to timely comply, the Court will grant Defendants' unopposed motion to dismiss (Doc. 38) without a merits analysis, and the Court will also consider dismissing the case for failure to prosecute and failure to comply with a court order under FED.R.Civ.P. 41(b).

/s/ A. Richard Caputo
A. RICHARD CAPUTO
United States District Judge